

CITY OF NEWTON

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, March 1, 2010

Present: Ald. Baker, Blazar, Crossley, Danberg, Fischman, Freedman, Fuller, Gentile, Hess-Mahan, Johnson, Lappin, Linsky, Merrill, Rice, Sangiolo, Schnipper, Shapiro, Swiston, Yates, and Lennon.

Absent: Ald. Albright, Ciccone, Harney, & Salvucci

THE BOARD OF ALDERMEN DISCUSSED AND VOTED THE FOLLOWING ITEMS ON SECOND CALL:

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #54-10 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend six hundred fifty thousand dollars (\$650,000) from bonded indebtedness for the design and replacement of the windows at the Burr Elementary School. [02/09/10 @ 7:20 PM]
PUBLIC FACILITIES APPROVED 5-0-2 (Gentile, Lennon abstaining; Lappin not voting) on 02/17/10
FINANCE APPROVED 6-0-1 (Fuller abstaining)
APPROVED 20 YEAS, 4 ABSENT (Ald. Albright, Ciccone, Harney, & Salvucci)

REFERRED TO LAND USE

- #15-10 **STEVEN E. & MERLE WINER** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an attached garage to an existing single-family residence at 1 BILLINGS PARK, Ward 7, NEWTON, on land known as Sec 72, Blk 8, Lot 21, containing approx 8,496 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: 30-24, 30-23, 30-21(a)(2)b), 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 7-0
MOTION TO POSTPONE TO MARCH 15, 2010 APPROVED BY VOICE VOTE

THE BOARD OF ALDERMEN VOTED WITHOUT DISCUSSION 20 YEAS, 0 NAYS, 4 ABSENT (Ald. Albright, Ciccone, Harney, & Salvucci) TO ACCEPT ITS COMMITTEES' RECOMMENDATIONS ON THE FOLLOWING ITEMS:

REFERRED TO LAND USE COMMITTEE

Tuesday, February 23, 2010

- #542-03(3) HIS HONOR THE MAYOR submitting for approval City Telecommunications Specialist Maurya Sullivan as the Remediation Fund Administrator pursuant to condition 2.H. of special permit #542-03 granted on November 1, 2005 to Clear Channel et al. for five radio transmission towers with ancillary equipment at 750 Saw Mill Brook Parkway.
LAND USE APPROVED 6-0 (Harney not voting)
- #17-10 MICHAEL G. PRATT & TRUDY L. GOOD petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to add a two-story addition to the rear of an existing single-family residence, increasing the Floor Area Ratio, and to demolish an existing garage and construct a carport on the south side of the lot at 51 HILLSIDE AVENUE, Ward 3, WEST NEWTON, on land known as Sec 32, Blk 3, Lot 5, containing approx 7,160 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(a)(2)b) and 3-21(b) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 7-0
- #18-98(2) KENMORE REALTY CORPORATION petition to AMEND SPECIAL PERMIT #18-98, granted on 4/6/98 for a 65-seat restaurant (Lumiere) and a waiver of 18 parking spaces, by increasing the number of seats from 65 to 88 (into the space formerly occupied by West Newton Liquors) and permitting accessory parking on an off-site lot (Newton Community Service Center) at 1293-1297 WASHINGTON STREET, Ward 3, WEST NEWTON, on land known as Sec 33, Blk 11, Lot 13, containing approx 12,047 sf of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-11(d)(9), 30-19f)(3) and 30-19(m) of the City of Newton Rev Zoning Ord, 2007, and special permit #18-98.
LAND USE APPROVED 6-0-1 (Fischman abstaining)
- #7-10 KAYNAM HEDAYAT petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct a new front porch to an existing single-family residence at 49 PHILMORE ROAD, Ward 7, NEWTON, on land known as Sec 73, Blk 15, Lot 8, containing approx 9,694 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b) of the City of Newton Rev Zoning Ord, 2007.
LAND USE APPROVED 7-0

#14-10 DONALD & JILL EURICH petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE/USE to locate a home business in a detached barn; to locate two tandem parking spaces within the side setback; and, to waive five parking spaces at 7 WALNUT STREET, Ward 2, NEWTONVILLE, on land known as Sect 21, Blk 22, Lot 4, containing approx 32,716 sf of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 30-24, 30-23, 30-12(a)(2)b), (b), 30-8(c)(9), (11)d), 30-19(d), (g)(1), (4), and (m) of the City of Newton Rev Zoning Ord, 2007.

LAND USE APPROVED 7-0

Motion to suspend the rules to allow Land Use Chair to poll the committee APPROVED by voice vote.

MOTION IN LAND USE TO ACCEPT AMENDED BOARD ORDER APPROVED 6-0

2010 Auto License Renewals

#310-09 ENZO's AUTO SALES Class 2
10 Hawthorn Street
Nonantum

LAND USE APPROVED 6-0 (Schnipper not voting)

#312-09 JACOB and ASSOCIATES Class 2
1232 Washington Street
West Newton

LAND USE APPROVED 6-0 (Schnipper not voting)

#313-09 ROBERT LEONE Class 2
14 Beech Street
Newton

LAND USE APPROVED 6-0 (Schnipper not voting)

#325-09 VELOCITY MOTORS INC. Class 2
14 Hawthorn Street
Nonantum

LAND USE APPROVED 6-0 (Schnipper not voting)

REFERRED TO ZONING & PLANNING COMMITTEE

February 22, 2010

A Public Hearing was opened on the following item:

#164-09 ALD. HESS-MAHAN proposing the following amendments to Chapter 30 of the City of Newton Revised Zoning Ord, as amended, 2007, relative to accessory apartments:

- (1) amend Sections 30-8(d)(1), 30-8(d)(1)a, 30-9(h)(1), and 30-9(h)(1)a) to explicitly allow the homeowner to live in the accessory apartment;
- (2) amend Section 30-9(h)(1) and 30-9(h)(2) to allow accessory apartments in a detached structure associated with a single-family residence in a Multi Residence 1 and Multi Residence 2 district and to clarify that accessory apartments are allowed in detached structures associated with two-family residences; and amend 30-9(h)(1) to clarify that a single-family dwelling located in a Multi Residence 1 or Multi Residence 2 district may be divided into a two-family dwelling according to other provisions of the zoning ordinance;
- (3) amend the provisions of Sections 30-8(d)(1)b) and 30-9(h)(1)b) to allow accessory apartments in residential buildings built 10 or more years before an application for a permit is submitted;
- (4) delete the provisions of Sections 30-8(d)(1)h) and 30-9(h)(1)h) that require landscape screening for fewer than 5 parking stalls;
- (5) amend Sections 30-8(d)(1)d), 30-8(d)(1)e), 30-8(d)(2)b), 30-9(h)(1)d), and 30-9(h)(1)e) to allow limited exterior alterations or additions, subject to FAR or other dimensional controls, to accommodate an accessory apartment; amend the conditions, where a special permit is required, for approval of exterior alterations or additions; and to remove the time limit before which additions and exterior alterations must be completed to meet the requirements of Table 30-8;
- (6) amend 30-1, definition of "accessory apartment" to be consistent with the changes listed above.

ZONING & PLANNING HEARING CLOSED**REFERRED TO PROGRAMS & SERVICES COMMITTEE**

Wednesday, February 17, 2010

#47-10 CLERK OF THE BOARD, ALD. LENNON AND ALD. LAPPIN requesting an amendment to Article V, Section 2B of the Rules of the Board of Aldermen, to change the docketing deadline from the Tuesday before a Board meeting to the Monday before a Board meeting to allow compliance with recent changes to the Open Meeting Law which take effect on July 1, 2010. [01-29-10 @ 1:52 PM]

PROGRAMS & SERVICES APPROVED 6-0 (Fischman not voting)

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE

Wednesday, February 17, 2010

- #396-09 KURT AND TAKI HENSCH appealing the Denial of TC28-09 Traffic Council Decision on October 22, 2009: KURT AND TAKI HENSCH, 210 Nahanton Street #206, Newton Centre requesting (1) Traffic light be installed at the intersection of Nahanton Woods Road and Nahanton Street (2) "Signal Ahead" warning sign be placed on Nahanton Street for traffic from the west and east. (Ward 8) (Appeal filed on 11/12/09 @ 10:23 AM]
PUBLIC SAFETY APPEAL DENIED 6-0-1 (Yates abstaining)

REFERRED TO PUBLIC FACILITIES COMMITTEE

Wednesday, February 17, 2010

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #38-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) in State Capital Bond Bill funds for the purpose of capital repairs to the Lower Falls Community Center. [01/26/10 @ 11:48 AM]
FINANCE APPROVED 7-0 on 02/22/10
PUBLIC FACILITIES APPROVED 6-0 (Crossley and Lappin not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #52-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend sixteen thousand eight hundred forty-five dollars (\$16,845) from Free Cash for the purpose of evaluating the condition and prepare replacement cost estimates for various section of roofing systems at the following seven schools: Bowen, Brown, Cabot, Countryside, Franklin, Lincoln-Eliot, and Ward. [02/09/10 @ 7:20 PM]
FINANCE APPROVED 7-0 on 02/22/10
PUBLIC FACILITIES APPROVED 5-0 (Gentile, Lappin & Lennon not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #55-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred two thousand one hundred twenty-five dollars (\$202,125) from bonded indebtedness to replace the generator at the Education Center at 100 Walnut Street. [02/09/10 @ 7:20 PM]
FINANCE APPROVED 6-0-1 (Fuller abstaining) on 02/22/10
PUBLIC FACILITIES APPROVED 7-0 (Lappin not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #56-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty five thousand sixty-four dollars (\$55,064) from Free Cash to fund additional costs associated with the removal and replacement of the existing emergency generator at the Peirce Elementary School. [02/09/10 @ 7:20 PM]
FINANCE APPROVED 7-0 on 02/22/10
PUBLIC FACILITIES APPROVED 5-0-1 (Gentile abstaining; Crossley & Lappin not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #57-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from bonded indebtedness for the design and replacement of one of the boilers at Williams Elementary School. [02/09/10 @ 7:20 PM]
FINANCE APPROVED 6-0-1 (Fuller abstaining) on 02/22/10
PUBLIC FACILITIES APPROVED 6-0 (Crossley & Lappin not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #58-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from bonded indebtedness for the design and installation of an elevator lift at the Countryside Elementary School. [02/09/10 @ 7:20 PM]
FINANCE APPROVED 6-0-1 (Fuller abstaining) on 02/22/10
PUBLIC FACILITIES APPROVED 6-0 (Crossley & Lappin not voting)

REFERRED TO FINANCE COMMITTEE

Monday, February 22, 2010

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #38-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) in State Capital Bond Bill funds for the purpose of capital repairs to the Lower Falls Community Center. [01/26/10 @ 11:48 AM]
PUBLIC FACILITIES APPROVED 6-0 (Crossley and Lappin not voting) on 02/17/10
FINANCE APPROVED 7-0
- #33-10 HIS HONOR THE MAYOR reappointing JAMES REARDON as TREASURER/COLLECTOR of the City of Newton, effective immediately, pursuant to Sections 3-3(b) of the City Charter (90 days: 4/5/10). [01/05/10 @ 3:36 PM]
FINANCE APPROVED 6-1 (Linsky opposed)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #52-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend sixteen thousand eight hundred forty-five dollars (\$16,845) from Free Cash for the purpose of evaluating the condition and prepare replacement cost estimates for various section of roofing systems at the following seven schools: Bowen, Brown, Cabot, Countryside, Franklin, Lincoln-Eliot, and Ward. [02/09/10 @ 7:20 PM]
PUBLIC FACILITIES APPROVED 5-0 (Gentile, Lappin & Lennon not voting) on 02/17/10
FINANCE APPROVED 7-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #55-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred two thousand one hundred twenty-five dollars (\$202,125) from bonded indebtedness to replace the generator at the Education Center at 100 Walnut Street. [02/09/10 @ 7:20 PM]
PUBLIC FACILITIES APPROVED 7-0 (Lappin not voting) on 02/17/10
FINANCE APPROVED 5-0-2 (Ciccone and Fuller abstaining)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #56-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty five thousand sixty-four dollars (\$55,064) from Free Cash to fund additional costs associated with the removal and replacement of the existing emergency generator at the Peirce Elementary School. [02/09/10 @ 7:20 PM]
PUBLIC FACILITIES APPROVED 5-0-1 (Gentile abstaining; Crossley & Lappin not voting) on 02/17/10
FINANCE APPROVED 7-0
- Motion to suspend the rules to allow Chair of Finance to poll his committee was APPROVED.**
- MOTION IN FINANCE COMMITTEE TO CHANGE THE FUNDING SOURCE TO CAPITAL STABILIZATION FUND APPROVED 6-0**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #57-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from bonded indebtedness for the design and replacement of one of the boilers at Williams Elementary School. [02/09/10 @ 7:20 PM]
PUBLIC FACILITIES APPROVED 6-0 (Crossley & Lappin not voting) on 02/17/10
FINANCE APPROVED 6-0-1 (Fuller abstaining)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #58-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from bonded indebtedness for the design and installation of an elevator lift at the Countryside Elementary School. [02/09/10 @ 7:20 PM]
PUBLIC FACILITIES APPROVED 6-0 (Crossley & Lappin not voting) on 02/17/10
FINANCE APPROVED 6-0-1 (Fuller abstaining)
- #269-09 COMPTROLLER submitting FY2009 Budgetary Basis Annual Financial Report. [09/01/09 @ 4:45 PM]
FINANCE NO ACTION NECESSARY 7-0
- #354-08 ALD. COLETTI requesting monthly report on cash and receivable reconciliations by Treasurer and status of Consultant work in Treasurer's Office. [09-30-08 @ 1:54 PM]
FINANCE NO ACTION NECESSARY 7-0

REFERRED TO POST AUDIT & OVERSIGHT COMMITTEE

Tuesday, February 23, 2010

- #30-10(3) POST AUDIT & OVERSIGHT COMMITTEE requesting a discussion with the Planning & Development Board to review the actions on the decision making process that lead to the forgiving of the Newton Community Development Authority (NCDA) loans on June 1, 2009. [02/08/10 @ 4:06 PM]
POST AUDIT NO ACTION NECESSARY 5-0
- #401-08 ALD. JOHNSON, ALBRIGHT AND LINSKY requesting discussion of the overall project management and communication of the Newton North High School Project. [11-10-08 @ 8:53 AM]
POST AUDIT NO ACTION NECESSARY 5-0

REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION

Thursday, February 18, 2010

Re-Appointment by His Honor the Mayor

- #400-09 NANCY GRISSOM, 7 Orris St, Newton, re-appointed as a member of THE COMMUNITY PRESERVATION COMMITTEE for a term to expire on August 1, 2012. (60 days 1/5/10) [11/16/09 @ 4:49 PM]
COMMUNITY PRESERVATION APPROVED 6-0 (Harney not voting)